

**FEDERAL COMMUNICATIONS COMMISSION**  
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May 29, 2008

Gregg P. Skall, Esq.  
Womble Carlyle Sandridge & Rice  
1401 I Street NW, Seventh Floor  
Washington, DC 20005

Re: WXXY Broadcasting, Inc.  
W286BB(FX), Ocean Pines, Maryland  
Facility Identification Number: 150318  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 27, 2008, on behalf of WXXY Broadcasting, Inc. ("WBI"). WBI requests special temporary authority ("STA") to operate FM Translator W286BB with temporary facilities.<sup>1</sup> In support of the request, WBI states that it completed construction of modified facilities for Station W286BB as authorized by Construction Permit BPFT-20080114AAC and filed an application for license to cover the permit;<sup>2</sup> however, issues have arisen due to intermodulation with several FM stations at the site. Until the intermodulation problems can be resolved, WBI requests STA to operate with temporary facilities. WBI provides technical details for the proposed STA operation.<sup>3</sup>

Our review indicates that the proposed STA operation would result in some extension of the 60 dBu contour beyond the authorized contour; however, most of the extension area would fall over ocean water. Our review further indicates that STA is warranted in order to provide for continued service pending resolution of the intermodulation problem.

Accordingly, the request for STA IS HEREBY GRANTED. Station W286BB may operate with the following facilities:

Geographic coordinates:	38° 24' 59" N, 75° 03' 24" W (NAD 1927)
Channel	286 (105.1 MHz)
Effective radiated power:	0.027 kilowatt (H&V)
Antenna manufacturer and type:	PSI, model FML-1, nondirectional
Antenna supporting structure:	Existing rooftop mast
Antenna height:	

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<sup>1</sup> W286BB is licensed for operation on Channel 286D (105.1 MHz) with effective radiated power ("ERP") of 0.01 kilowatt (H&V) and antenna height above average terrain ("HAAT") of 85 meters. Construction Permit BPFT-20080114AAC authorized relocation of the transmitter and operation with ERP of 0.027 kilowatt (H&V) and HAAT of 85 meters. Application BLFT-20080418ABD, for license to cover the permit, is pending.

<sup>2</sup> BLFT-20080418ABD; *See* Note 1, above.

<sup>3</sup> The STA request form contained typographical errors in the ERP and antenna elevation; however, these matters were resolved via telephone.

above ground:	74 meters
above mean sea level:	76 meters
Above average terrain:	74 meters

WBI must notify the Commission when licensed operation is restored. WBI must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **November 29, 2008**.


**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer  
Audio Division  
Media Bureau